

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 08-7689-MMM (MAN)

Date: January 13, 2010

Title: Jimmy Hill v. City of Los Angeles, et al.

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DOCKET ENTRY: ORDER TO SHOW CAUSE RE: POSSIBLE DISMISSAL OF ACTION

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PRESENT:

Hon. Margaret A. Nagle, United States Magistrate Judge

Mel Zavala
Deputy Clerk

N/A
Court Reporter/Tape No.

ATTORNEYS PRESENT FOR PLAINTIFF:

ATTORNEYS PRESENT FOR DEFENDANTS:

N/A

N/A

PROCEEDINGS (In Chambers):

The Court is in receipt of "Defendants' Notice and Request for the Court to Set an Order to Show Cause . . ." filed on January 7, 2010 ("Notice"). In the Notice, counsel for defendants advises that: he served discovery and other documents by mail on plaintiff on November 17, 2009, and December 4, 2009, which were sent to plaintiff at his docket address of record; and both documents were returned by the U.S. Postal Service as undeliverable, with indications that the addressee is unknown. Counsel notes that, without a valid address for plaintiff, he is unable to undertake the discovery needed to prepare a defense in this case.

The Court has reviewed the docket for this case, which indicates that plaintiff's address of record is 38506 6th Street E., Palmdale, CA 93550, which is the address utilized by defendants' counsel to serve the documents that the Postal Service returned as undeliverable. The Court has examined plaintiff's last filing in this case (a March 24, 2009 declaration in opposition), which lists the following address: 1330 S. Olive Street, Los Angeles, CA 90015.

Pursuant to Local Rule 41-6, a party proceeding *pro se* "shall keep the Court and opposing parties apprised of such party's current address." In view of the fact that plaintiff apparently no longer lives at the address of record he provided to the Court and the parties and apparently has moved (whether to the Olive Street address or somewhere else), and given plaintiff's failure to file and serve a notice of change of address, plaintiff is in violation of Local Rule 41-6.

In view of plaintiff's failure to keep the Court apprised of his correct address, it appears to the Court that plaintiff may no longer be interested in pursuing this case. Accordingly, plaintiff is ORDERED TO SHOW CAUSE regarding his failure to comply with Local Rule 41-6. In particular, plaintiff shall do the following:

1. If plaintiff is no longer interested in pursuing this case, then **by no later than February 1, 2010**, he shall

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file a brief notice so indicating and asking the Court to dismiss this action, without prejudice.

2. If, instead, plaintiff wishes to pursue this case, then **by no later than February 1, 2010**, he shall file a Notice of Change of Address in compliance with Local Rule 41-6.

The Clerk is directed to serve this Order upon plaintiff at both his docket address of record and the Olive Street address set forth above.

Once the February 1, 2010 deadline passes, the Court will issue a further appropriate Order, including a possible revision of the deadlines set forth in its pending Case Management Order.

Plaintiff is cautioned that failure to comply with this Order will be deemed to constitute an acknowledgment that he no longer wishes to pursue this action and that it may be dismissed.

IT IS SO ORDERED.

cc: All Parties of Record